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VIA PACER FILING

Chambers of the Honorable Analisa Torres, U.S.D.J.
United States District Court – Southern District of New York
500 Pearl Street
New York, New York 10007

RE: Stephen Gannon v. 13-15 Essex Street, LLC, et. al
Case No.: 1:22-cv-1671-AT

Dear Judge Torres,

This office represents 13-15 Essex Street, LLC (“13-15 Essex”), a Defendant in the above-entitled action. Kindly accept this letter as Defendant’s first request for an extension of time to answer the complaint, and adjourn the initial conference scheduled for November 2, 2022.

A preliminary review of PACER reflects that the case management conference had been previously adjourned once on consent of the parties from October 17, 2022, to November 2, 2022, at 11:20 a.m.; however, 13-15 Essex had not yet joined issue. The reason this request is being made so close to the Court’s adjournment request deadline, is that we have been waiting for the parties to let us know whether or not they consent to this request. Co-Defendant counsel just called and consented to this request; unfortunately, we have not heard from Plaintiff’s counsel one way or another as to this request.

Request for an adjournment of the November 2 Conference

13-15 Essex Street LLC thus requests that the case management conference scheduled for November 2, 2022, be adjourned to the Court’s next available date. The primary reason for this request is that I will be out of state on a previously scheduled family matter, and my team is engaged with a previously scheduled court appearance in Supreme Court, Queens County (89th Ave Project LLC v. Yusef Ibn Arnold, Kimberly O’Connor Williams et al., Index No.: 706227/2022), a matter with two *pro se* litigants, who will not consent to adjournments.

Additionally, this adjournment would allow the parties more time for settlement discussions as Mr. Ford’s recovery permits him to return to work.

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Request for an additional time to answer

13-15 Essex requests a thirty (30) day extension of time to join issue and file an answer.

13-15 Essex has not yet joined issue because it was under the understanding that Grumpy LES LLC and Plaintiff were engaged in meaningful settlement discussions, which would resolve this matter globally (It is 13-15 Essex's position that Grumpy LES LLC has a contractual obligation to defend and indemnify 13-15 Essex).

Since the summer, 13-15 Essex had been in touch with Grumpy LES' counsel and was informed that settlement discussions were being held and to keep litigation costs down, 13-15 Essex was holding on doing avoidable work. We recently learned that the settlement discussions abruptly stopped for reasons unknown to Defendants. We eventually learned that the cause of the delay was Mr. Ford's unfortunate car accident and his difficult recovery process. We wish Mr. Ford a speedy recovery, and trust that settlement discussions will resume as Mr. Ford's recovery permits.

Accordingly, 13-15 Essex requests a thirty (30) day extension of time to file an answer. We would also request that other existing deadlines, if any, also be extended an additional thirty days.

We thank you for your attention to this matter. Please do not hesitate to reach out with any questions or concerns you may have.

Very truly yours,

DENIED in part, GRANTED in part.

Defendant's request to adjourn the status conference is DENIED as moot. *See* ECF No. 28. Defendant's request for additional time to file an answer to the complaint is GRANTED.

SO ORDERED.

Dated: November 1, 2022

ANALISA TORRES
United States District Judge